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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Preliminary observations of the Committee on
the Rights of the Child: Indonesia

1. The Committee began consideration of the initial report of Indonesia (CRC/C/3/Add.10) at its 79th, 80th and 81st meetings (CRC/C/SR.79 to 81), held on 22 and 23 September 1993. In view of the fact that there was not sufficient time during the session to fully clarify a number of questions both in written and oral form relating to the implementation of the Convention, the Committee decided to continue its consideration of the report at a future session and adopted* the following preliminary observations:

Introduction

2. The Committee welcomes the State party's commitment to the promotion and protection of the rights of the child as reflected by its early ratification of the Convention and the timely submission of its initial report under article 44 of the Convention. However, the Committee feels that on the basis of the information provided in the initial report and the dialogue ensuing from its consideration existing legislation is not sufficient to ensure the implementation of the Convention.

Positive aspects

3. The Committee notes with satisfaction the importance Indonesia attaches to the Committee's advice and assistance on measures to be taken to improve the implementation of the rights of the child and welcomes the State party's

* At the 103rd meeting, held on 8 October 1993.

commitment to cooperating with the Committee and other United Nations bodies and agencies with a view to reviewing and developing policies and programmes to enhance the situation of children.

4. The Committee takes note of the willingness expressed by the State party to review its national legislation in the light of its obligations under the Convention and as reflected in the "Beijing consensus" of August 1992. It also welcomes the State party's commitment to review the reservations it has made to the Convention with a view to considering withdrawing them.

5. The Committee also notes the steps taken to give higher priority to children's concerns, especially within the context of development strategies.

Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the difficulties impeding the rapid implementation of the Convention in the State party, particularly the existence of 360 ethnic groups, the dispersal of the population throughout the Indonesian archipelago, as well as the economic problems still facing the State party in general and sectors of the Indonesian population, in particular.

Principal subjects of concern

7. The Committee is deeply concerned at the extent of the reservations made to the Convention by the State party. The Committee feels that the broad and imprecise nature of these reservations raises serious concern as to their compatibility with the object and purposes of the Convention.

8. While the Committee takes note of the delegation's statement that the rights of the child as contained in the Convention are not in contradiction with the Constitution, it is concerned that national legislation does not appear to ensure that all children, including non-nationals, are protected by the rights guaranteed in the Convention.

9. The Committee is also concerned that the rights contained in article 14 of the Convention are not fully protected, in spite of the fact that they are non-derogable.

10. It is also a concern of the Committee that national legislation with respect to the age at which a child may marry may not be compatible with the non-discrimination provisions of the Convention, as reflected in its article 2.

11. The Committee expresses its concern at the insufficient efforts undertaken to make the principles and provisions of the Convention widely known to children.

12. The Committee is also concerned at the lack of participation of non-governmental organizations, particularly of human rights groups, in the

promotion and protection of the rights of the child as well as at the absence of efforts to provide training about the rights of the child to personnel working directly with children.

13. The Committee is concerned that insufficient attention is given to the implementation of the general principles of the Convention, particularly its articles 2, 3 and 12. The Committee wishes to emphasize that the implementation of these principles is not to be made dependent on budgetary resources.

14. The Committee is concerned at the small proportion of the budget devoted to the social sectors, particularly primary health care and primary education. In this connection, the Committee draws the State party's attention to the need to respect the provisions of article 4 of the Convention, which emphasize that economic, social and cultural rights should be implemented to the maximum extent of available resources. The Committee emphasizes that such action is required, regardless of the economic model followed by the State party.

15. The Committee expresses its concern as regards the implementation of article 14 of the Convention, as it relates to freedom of religion. The Committee deems it important to underline the fact that limiting official recognition to certain religions may give rise to practices of discrimination.

16. The Committee regrets that the written information requested on special protection measures was not provided and also expresses its concern at the lack of compatibility of the system of administration of juvenile justice with articles 37, 39 and 40 of the Convention and other United Nations standards relating to juvenile justice.

17. The Committee expresses its concern at the absence of a reply from the Government of Indonesia to its urgent communication of November 1991 relating to excessive use of violence by security forces against demonstrating children in Santa Cruz, Dili. In this regard, the Committee draws the attention of the Government of Indonesia to its request for information about the safeguards established in accordance with the provisions of articles 37 and 40 of the Convention, to ensure that such violations would not occur again. The Committee also requests information on the strategies formulated and facilities provided to rehabilitate the victims of serious human rights violations, in accordance with the provisions of article 39 of the Convention.

18. The Committee is also concerned at the lack of information provided about the situation of child labour and the situation of children who, to survive, are forced to work or live in the street (often known as "street children").

Further action

19. The Committee encourages the Government of Indonesia to undertake a review of child-related laws so as to ensure their conformity with the provisions of the Convention and, in this regard, draws attention to the activities developed by the Programme of Advisory Services and Technical

Assistance of the United Nations Centre for Human Rights. In the foregoing connection, the Committee welcomes the delegation's invitation to members of the Committee to visit the State party. The Committee requests information in writing on the concerns raised during its dialogue with the delegation, as spelled out in paragraphs 7-18 of the present document. The Committee also requests that this written information be forwarded to the secretariat by 31 December 1993 with a view to the Committee formulating its concluding observations on the initial report of Indonesia by September/October 1994.